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10/632,741	08/01/2003	John Frederick Ackerman	RD-26408-5	3858

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John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/632,741

Examiner

Joseph L. Perrin, Ph.D.

Applicant(s)

ACKERMAN ET AL.

Art Unit

1746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 08 February 2007 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other:

A. The rejection of Claims 6, 7, 9-12, and 14-16 under 35 U.S.C. § 112, first paragraph, is maintained for reasons of record.

B. The rejection of Claims 6, 7, 9-12, and 14-16 under 35 U.S.C. § 112, first paragraph, is maintained for reasons of record.

C. The rejection of Claims 6, 7, 9-12, and 14-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,713,120 (Hodgens) is maintained for reasons of record.

D. The rejection of Claims 6, 7, 9-12, and 14-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,059,123 (Bartos) is maintained for reasons of record.



JOSEPH L. PERRIN, PH.D.
PRIMARY EXAMINER